

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

In Re: Clarence E. Brown, Jr.

Case No. 12-13040  
Chapter 7

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

EMC Mortgage LLC, holder of the mortgage hereinafter described, (together with its predecessors, successors, affiliates, principals, and assigns, "Lender") hereby moves this Court for an Order granting relief from the automatic stay provisions pursuant to 11 U.S.C. §362(d)(1) and §362(d)(2). Lender respectfully requests that it be granted relief so as to exercise its non-bankruptcy rights and remedies including, without limitation, (1) taking possession of the property described as 22 Ravenswood Avenue, Providence, RI 02908 (the "Property"), (2) foreclosing its mortgage thereon or obtaining a deed-in-lieu of foreclosure, (3) seeking to obtain, if necessary, eviction of the debtor and any occupant from the Property, and (4) any other relief this Court deems just and proper.

The basis of the within Motion are set forth in the Memorandum filed herewith which is incorporated herein by reference.

EMC Mortgage LLC  
By its Attorneys,

/s/ Joseph M Dolben  
Joseph M Dolben, Esq.  
Nicholas Barrett & Associates  
999 South Broadway  
East Providence, RI 02914  
(401) 438-9000

Dated: September 26, 2012

Within fourteen (14) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6<sup>th</sup> Floor, Providence, RI 02903 (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

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**CERTIFICATION OF SERVICE**

I hereby certify that on September 26, 2012, I electronically filed a Motion for Relief from Stay, Memorandum in Support, and proposed Order with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically:

John B. Ennis, Esq.

[jbelaw@aol.com](mailto:jbelaw@aol.com)

Lisa A. Geremia, Esq.

[lisa@geremiademarco.com](mailto:lisa@geremiademarco.com)

Gary L. Donahue, Esq.

[ustpreion01.pr.ecf@usdoj.gov](mailto:ustpreion01.pr.ecf@usdoj.gov)

And I hereby certify that I have mailed by United States Postal Service, the document electronically filed with the court to the following non CM/ECF participants:

Clarence E. Brown, Jr.  
22 Ravenswood Avenue  
Providence, RI 02908

Nicole Lepre  
22 Ravenswood Avenue  
Providence, RI 02908

United Guaranty Residential  
Insurance Company of North Carolina  
230 N. Elm Street  
Greensboro, NC 27401

Capital One NA  
C/o Howard Lee Schiff P.C.  
10 Dorrance Street, Suite 515  
Providence, RI 02903

/s/ Joseph M Dolben